

INTERGOVERNMENTAL AGREEMENT

BETWEEN

THE STATE OF ARIZONA

AND

THE TOWN OF PRESCOTT VALLEY

THIS AGREEMENT is entered into 22 SEPTEMBER, 2000 pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF PRESCOTT VALLEY, acting by and through its MAYOR and TOWN COUNCIL (the "Town").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State

2. The Town is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town.

The State and the Town desire to construct improvements to the intersection of SR-69 at Glassford Hill Road, to include right turn lanes along SR-69, an additional through lane in the westbound direction, widen the north intersection leg from 4 to 6 lanes, widen the south intersection leg from 3 to 4 lanes, reconstruct the existing traffic signal and relocate the south frontage road and Glassford Hill Road intersection to the South, at a currently estimated total cost of \$1,307,000.00, hereinafter referred to as the Project. The parties hereto agree the Town shall be the lead agency for the Project.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 24241
Filed with the Secretary of State
Date Filed: 09/22/00

Betsy Bayless
Secretary of State

By Vicky V. Gruenewald

II. SCOPE OF WORK

1 The Town will:

a. Provide to State standards roadway improvement design plans, specifications and such other documents and services required for construction bidding and construction. Incorporate or resolve State review comments.

b. Call for bids and with the concurrence of the State, award one or more construction contracts for the Project. Administer same and make all payments to the contractor(s). Confer with the State on any Project construction contract modifications, and be responsible for its proportionate share of same, as well as any contractor claims for extra compensation due to delays or whatever reason attributable to the Town.

c. After bid opening but prior to construction contract award, invoice the State for its share of the cost of the roadway portion of the Project, in the amount of \$600,000.00, and for the signal reconstruction, in an amount currently estimated at \$150,000.00. Be responsible for any additional required right-of-way costs associated with the Project, and for all costs over and above the State's share of the cost of the Project.

d. Upon completion, approve and accept the Project on behalf of the parties hereto, be responsible for the electric costs to operate the signal and lighting and provide maintenance outside the State right-of-way.

2. The State will:

a. Provide to State standards Project signal design plans required for construction bidding and construction. Incorporate or resolve Town review comments. Review the Town roadway improvement design documents and provide comments.

b. Within 30 days after receipt and approval of an invoice, pay the Town for the States share of the cost of the roadway portion of the Project, in the amount of \$600,000.00, and for the signal reconstruction in an amount currently estimated at \$150,000.00.

c. Provide construction inspection as deemed necessary. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the State.

d. Upon completion and acceptance by the Town, provide maintenance to the Project inside the State right-of-way.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project and payments; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be canceled at any time prior to the award of a Project contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be canceled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5 In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6 All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

Town of Prescott Valley
Town Manager
Box 25456
Prescott Valley, AZ 86312-5456

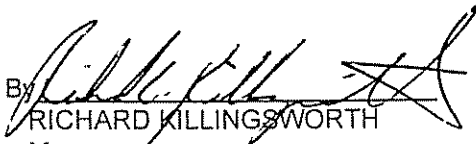
7 Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

TOWN OF PRESCOTT VALLEY

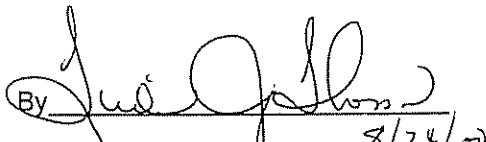
STATE OF ARIZONA

Department of Transportation

By 
RICHARD KILLINGSWORTH
Mayor

By 
WILLIAM J. HIGGINS
Deputy State Engineer

ATTEST

By 
Town Clerk 8/24/00

Approved As To Form:


RESOLUTION

BE IT RESOLVED on this 9th day of September 1998, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the Town of Prescott Valley for the purpose of defining responsibilities for constructing improvements to SR-69 at Glassford Hill Road.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.

A handwritten signature in black ink, appearing to read 'D. Allocco', is written over a horizontal line.

DAVID ALLOCCO, Manager
Engineering Technical Group
for Mary E. Peters, Director

**TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING MINUTES
AUGUST 24, 2000**

Call to Order – The meeting was called to order by Mayor Killingsworth at the Magistrate Court at 7:00 p.m. Present were:

Richard C. Killingsworth	Mayor
Jay Fagelman	Vice-Mayor
Eunice Conner	Council Member
Chuck Ables	Council Member
Mike Flannery	Council Member
Marilyn Rabideau	Council Member
Fran Schumacher	Council Member

Announcements – Vice-Mayor Fagelman announced that the people living on Manzanita Circle are very pleased with the new paint job of the CASA building and thanked the staff on their behalf for listening to them about the color. Councilmember Rabideau, on behalf of the World Arts Festival Committee, presented the Mayor with a plaque commemorating his support and participation. John Sefton announced Gold Fever Days is coming up September 16th at Fain Park. Mayor Killingsworth thanked those who were instrumental in the moving of "Limitless" to the Civic Center.

Consent Agenda – Moved by Councilmember Schumacher, seconded by Vice-Mayor Fagelman to accept the Consent Agenda with removing item L. Motion passed unanimously by all members voting "aye".

Town Manager, Anthony Mortillaro, indicated Item L, request for an extension of premises patio permit for Club Amazona has been reviewed by staff and staff is requesting two conditions be added – 1) the owners obtain letters of permission from neighboring businesses to allow overflow parking to be provided, and 2) the owners make it clear to their attendees that parking is prohibited on Highway 69 along the Frontage Road. Mr. Mortillaro indicated this evening the owners have provided letters of permission from the neighboring businesses, and indicated he feels certain they will follow through with the second condition also. Moved by Councilmember Ables, seconded by Vice-Mayor Fagelman to approve the extension of the premises patio permit for Club Amazona on August 26, 2000 with the two additional amendments. Motion unanimously approved by all members voting "aye".

Consideration of approving the appointment of Elbert Chamberlin to the Board of Adjustment – Councilmember Ables moved to approve the appointment of Elbert Chamberlin to the Board of Adjustment for a term expiring January 31, 2003. Motion seconded by Councilmember Rabideau. Motion unanimously approved by all members voting "aye".

Presentation by John Sefton, Parks & Recreation Director, regarding Urban Forest Improvements – John Sefton indicated they plan to replace the individual plaques with a single monument for the tree donations. Mr. Sefton indicated he would like to see the students in the community involved in creating the monument. The individual plaques have become a maintenance issue. Councilmember Rabideau asked if there is a master list of all the people who have made contributions. Mr. Sefton indicated the list is as accurate as they can accomplish, and will put a notice to the public asking if they have missed recognizing anyone. He indicated he hoped the monument would be completed by the end of the school year.

Second reading of Ordinance No. 487, amending §9-05a050 of the Town Code to refer to the new Water Resource charge and to refer to other previous changes regarding water charges – Mayor instructed Town Clerk to read Ordinance No. 487 by title only. Ordinance passed by all members voting “aye”.

Open Public Hearing to consider comments regarding a zoning map change to permit the development of an Industrial/Business Park (to be known as “Big Sky Industrial Park”) on approximately 209 acres located north of Highway 69 and adjacent to the Prescott Valley Business Park and the Ace Distribution Center – Joe Scott, Community Development Planner, presented the staff's overview of this item. Mr. Scott indicated the Commission had concerns about the visibility of retention basins and treatment of some of the properties. The Commission has requested to review the grading and drainage plans prior to the approval of any individual final development plans. The applicant has suggested the Town participate in utility development and road improvements for the section of Florentine Road that doesn't front on developable land.

Vice-Mayor Fagelman asked about the storing of fuel. Mr. Scott indicated the development of anything like this would be subject to the Town Code requirements. Councilmember Flannery asked about full off-site improvements when the pads are developed.

Mayor Killingsworth closed the public hearing.

First reading of Ordinance No. 488, amending the Town Zoning Map to change the zoning classification of 209 acres located in §§19 and 20, T14N, R1E, G&SRB&M from RCU-175 Zoning (Residential; Conditional Use Permits) to C3 (PAD) (Commercial; Minor Industrial) (PAD) and M1 (PAD) (Industrial; General Limited) (PAD) Zoning – Moved by Councilmember Ables, seconded by Councilmember Conner to read Ordinance No. 488 by title only on two separate occasions and place it on final passage. Motion passed unanimously by all members voting “aye”. Town Clerk read Ordinance No. 488 by title only for the first reading.

Consideration of approving Change Order #1, 3 and 4 to the contract with Shrader & Martinez for the Senior Center project, in the amount of \$8,507.00 – Larry Tarkowski, Public Works Director, explained some of the items covered in the change orders were to accomplish an upgrade to the electrical service to the building, modification of the

parking lot, and to purchase a gas range for the new Senior Center. Staff is recommending these three change orders. Moved by Councilmember Rabideau, seconded by Councilmember Flannery to authorize the Mayor (or in his absence, the Vice-Mayor) to sign Change Order #1, 3 and 4 to the Shrader & Martinez contract for the Senior Center construction project, in the amount of \$8,507.00. Motion passed unanimously by all members voting "aye".

Consideration of approving Change Order #1 to the contract with Dava & Associates for the Glassford Hill Marketplace project, in the amount of \$16,550.00 – Larry Tarkowski explained the Public Works Inspection staff is stretched largely due to the growth of Viewpoint, Mingus West subdivisions, start of the \$2.4 million pipe line project in the community, and inspecting Main Street, Park Avenue, Florentine rebuilding in the Entertainment/Downtown area. Dava & Associates is being requested to assist in the inspection of Sun Dog Marketplace project and the sewer and water associated with that project. Moved by Councilmember Schumacher, seconded by Councilmember Ables to approve Change Order #1 to the Dava & Associates contract for the Regional Shopping Center project, in the amount of \$16,550.00. Motion approved unanimously by all members voting "aye".

Consideration of approving a formal request to the Arizona Department of Transportation to abandon certain right of way south of SR 69 – Pete Jorgensen gave an overview of this item indicating the 100' of right of way will also give the Town control of the Prescott East Highway intersection. It will also give us flexibility to perhaps make property exchanges with adjacent landowners for other roadways. Moved by Councilmember Conner, seconded by Councilmember Ables to approve proceeding with a formal request to ADOT to abandon certain right of way south of SR 69. Motion approved unanimously by all members voting "aye".

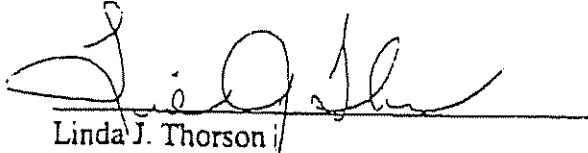
Consideration of approving an Intergovernmental Agreement with Arizona Department of Transportation for joint realignment and reconstruction of the Glassford Hill Road/SR 69 intersection project, in the total amount of \$1,307,000.00 – Larry Tarkowski explained this is to increase the safety of this intersection and increase the transportation capability. This will include moving a signal light, dedicated outbound/southbound lanes off of Glassford onto Highway 69, and additional lanes as it relates to the area from Centre Court through the Glassford Hill intersection to Valley View. Moved by Councilmember Schumacher, seconded by Vice-Mayor Fagelman to authorize the Mayor (or in his absence, the Vice-Mayor) to sign an Intergovernmental Agreement between ADOT and the Town of Prescott Valley to realign and redesign the Glassford Hill Road/SR 69 intersection. Motion unanimously approved by all members voting "aye".

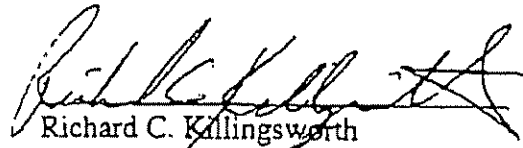
Consideration and discussion of general unscheduled comments from the public. Those wishing to address the Council need not request permission in advance. Any such remarks shall be addressed to the Council as a whole and not to any member thereof. Such remarks shall be limited to (5) minutes unless additional time is granted by the Mayor.

At the conclusion of the unscheduled comments, individual members of the Council may respond to the items addressed at the direction of the Mayor, or they may ask staff to review the matter or ask that the matter be placed on a future agenda.

Lenny Lambert encouraged everyone to get out and vote in the upcoming election.

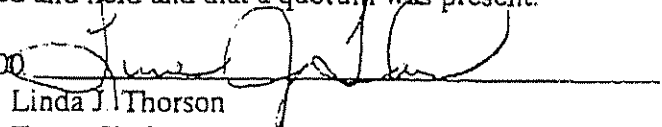
Adjournment


Linda J. Thorson
Town Clerk


Richard C. Killingsworth
Mayor

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Town Council Meeting, held on the 24th day of August, 2000. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this 29th day of August, 2000


Linda J. Thorson
Town Clerk

JPA 98-165

APPROVAL OF THE PRESCOTT VALLEY TOWN ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the TOWN OF PRESCOTT VALLEY and declare this agreement to be in proper form and within the powers and authority granted to the Town under the laws of the State of Arizona.

DATED this 29th day of August, 2000.

Don Legler
Town Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ 85007-2926

JANET NAPOLITANO
ATTORNEY GENERAL

TRN Main: (602) 542-1680

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FACSIMILE: (602) 542-4085

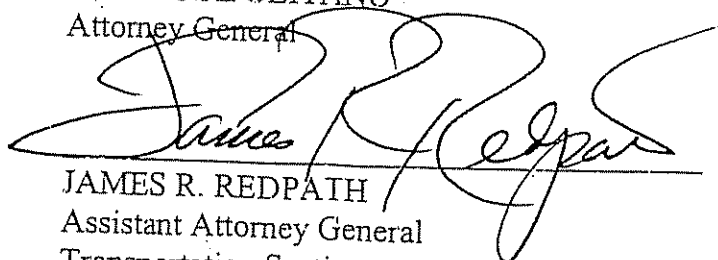
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR98-2140TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED September 18, 2000.

JANET NAPOLITANO
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/647273

Enc.